

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

PLAINTIFFS' EXHIBIT 32

Deposition Transcript of Virginia Beach City Council Member Rosemary Wilson
(Volume II only)



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Transcript of Rosemary Wilson, Volume II

Date: October 4, 2019

Case: Holloway, et al. -v- City of Virginia Beach, et al.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

-----x
LATASHA HOLLOWAY and :
GEORGIA ALLEN, :
Plaintiffs, : CASE NO.
v. : 2:18cv00069
CITY OF VIRGINIA BEACH, et al., :
Defendants. :
-----x

Deposition of ROSEMARY A. WILSON

Virginia Beach, Virginia

Friday, October 4, 2019

7:50 a.m.

Volume II

Job No. 266823

Pages 152 - 194

Reported by: Penny C. Wile, RPR, RMR, CRR

Transcript of Rosemary Wilson, Volume II
Conducted on October 4, 2019

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1 Deposition of ROSEMARY A. WILSON, held at
2 the residence of:

3
4
5 CHRISTOPHER S. BOYNTON
6 813 Carolina Avenue
7 Virginia Beach, VA 23451
8
9
10
11
12
13
14

15 Pursuant to Notice, before Penny C. Wile,
16 RPR, RMR, CRR, Notary Public of the Commonwealth
17 of Virginia.
18
19
20
21
22

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1 A P P E A R A N C E S

2 ON BEHALF OF THE PLAINTIFFS, LATASHA HOLLOWAY
3 AND GEORGIA ALLEN:

4 DANIELLE LANG, ESQUIRE

5 CHRISTOPHER LAMAR, ESQUIRE

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9 Washington, DC 20005

10 (202) 736-2200

11

12 ON BEHALF OF THE DEFENDANTS, CITY OF VIRGINIA
13 BEACH, ET AL.:

14 CHRISTOPHER S. BOYNTON, ESQUIRE

15 OFFICE OF THE VIRGINIA BEACH CITY ATTORNEY

16 2401 Courthouse Drive

17 Municipal Center, Building One

18 Room 260

19 Virginia Beach, VA 23456

20 (757) 385-4351

21

22 Also present: Jeffrey Zalesin

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1 P R O C E E D I N G S

2 Whereupon,

3 ROSEMARY A. WILSON,

4 after having been first duly sworn, was examined
5 and did testify under oath as follows:

6 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS:

7 BY MS. LANG:

8 Q. Ms. Wilson, on Exhibit 1 a couple pages
9 from the back there is the flyer we referred to
10 earlier with you and Ms. Ross-Hammond, your
11 kickoff event. I just wanted to clarify really
12 quickly, the endorsements that are listed below,
13 are those endorsements for -- that you and
14 Ms. Ross-Hammond had made for others or that they
15 had made for both of you or just for you? What is
16 the meaning of these endorsements?

17 A. These were support, people that support
18 us.

19 Q. Okay.

20 A. It was a joint event. We did it together.

21 Q. Yes.

22 So these are supporters of both you and

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1 Ms. Ross-Hammond?

2 A. Yes.

3 Q. And I notice that Dr. Ross-Hammond is
4 listed as one of the supporters. Do you know why
5 that is?

6 A. Let me rethink this. This has been a
7 while. This one might have been my supporters.
8 I'm sorry.

9 Q. Okay.

10 A. Because I think -- you know what? We each
11 had different supporters, so -- before we did the
12 event together. So I didn't mean to -- anyway,
13 it's been a while. That was -- I'm so glad you
14 asked that question. Yeah. These were the people
15 who were supporting me. So she had her own list.
16 But the location was the same. The sponsorship
17 level was the same. And these are the people I
18 had supporting me. She sent out one similar.

19 Q. With her own supporters?

20 A. With her own endorsements.

21 Q. That makes perfect sense.

22 A. And I don't have a copy.

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1 Q. That makes sense to me.

2 A. I'm glad you did. I'm sorry.

3 Q. No. Not at all.

4 I think when we left off yesterday I had
5 asked you if you were familiar with the 5 Point
6 Plan that the Interdenominational Ministers
7 Conference had submitted?

8 A. I had seen --

9 MR. BOYNTON: Just let her finish the full
10 question. Sorry.

11 Now you can answer. I didn't mean to
12 stop.

13 Q. Go ahead.

14 A. I've seen it, but it's been a while.

15 MS. LANG: I'm going to mark Exhibit 2.

16 (Exhibit 2 was marked and
17 attached to the transcript.)

18 MR. BOYNTON: This is a rather long email.
19 Is there a particular page you want her to look
20 at?

21 A. And it's really small print.

22 Q. If you can turn to DEF07673. And this is

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1 a press release from the Ministers about the 5
2 Point Plan. At the bottom paragraph it says that
3 the plan was presented to Councilwoman Rosemary
4 Wilson and Chief Cervera at the Governor's Forum
5 on Community Policing. And I was just wondering
6 why it was that it was specifically you and the
7 Chief that were at that forum?

8 A. I go to a lot of things. I'm very
9 interested in what's going on in the community,
10 and so I went to see what was being said.

11 Q. Okay.

12 A. And I was the only Council member in the
13 audience, so they came over and handed it to me.
14 But that was about the extent of it.

15 Q. So you weren't -- it wasn't a planned
16 event with you and the Chief? You were just in
17 the audience?

18 A. Yes.

19 Q. Okay. And because you were in the
20 audience they came over and presented it to you?

21 A. That's correct.

22 Q. Okay. And to your recollection, what was

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1 the -- what was the Ministers Conference asking
2 for? There is, on the next page, some five areas.

3 A. Yeah.

4 These five things.

5 Q. After you received this plan, what actions
6 did you take to respond to these requests from the
7 Ministers Conference?

8 A. Asked to set up a meeting, and a lot of --
9 and it was at the religion center, and there were
10 a lot of community leaders there, especially from
11 the African American community, to discuss this.

12 Q. What was discussed at that meeting?

13 A. What they were asking for, and probably
14 some other things, but I can't remember all. It's
15 been a while.

16 Q. Okay. And what was the, kind of, setup of
17 the evening? Was it a presentation? Was it a
18 town hall? How was it organized?

19 A. It was, like, a circle of chairs of people
20 to have -- not a roundtable, because the table was
21 too small, but a circle of chairs where people
22 could talk about these issues because we cared

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1 what they had to say and wanted to listen to see
2 how we could work with them.

3 Q. What follow-up actions were taken after
4 that meeting?

5 A. We've been getting body cameras.

6 Q. What is the status of the body cameras in
7 Virginia Beach?

8 A. They're being implemented in stages
9 because they're very expensive to do.

10 Q. Okay.

11 A. You have to -- it's not just slapping a
12 body camera on someone. You have to have a place
13 for them to be reviewed. The Commonwealth
14 Attorney had to hire more people, create more
15 office space. So there is a lot to it. So
16 they've been phased in. I'm not sure exactly
17 where we are in the phasing in.

18 Q. Do you know what the timeline is for the
19 completion of the body camera rollout?

20 A. Not off the top of my head, no.

21 Q. Okay.

22 A. But we listened, and we started. And it

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1 was very expensive to do.

2 Q. Okay. Are there any other follow-up
3 actions, that you're aware of, related to the 5
4 Point Plan?

5 A. Well, we're always trying to hire and
6 promote, especially in a minority community.

7 Q. And what policies or procedures has the
8 city taken on to try to diversify the police
9 force?

10 A. Well, we've encouraged our Fire -- not our
11 Fire Chief -- our Police Chief to do that. And
12 he's very in tune to that, and I know he works
13 very hard at it.

14 One of the things that I brought up was
15 that when someone wants to come into the Academy
16 they can't wait to be paid. So let's say the
17 Academy starts in September and they sign up in
18 June. Well, those two months is too long for them
19 not to be paid, so to work towards giving them
20 compensation before the Academy starts.

21 Q. And is that in place or is that just in
22 the idea phase?

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1 A. I don't know. I know we talked about it.

2 Q. Do you know if there have been changes to
3 the transparency and data collection related to
4 racial profiling in Virginia Beach?

5 A. I don't know what's happening at that end.

6 Q. Do you know if there's been any changes in
7 the performance review or training systems in the
8 Virginia Police Department?

9 MR. BOYNTON: Object to the form of the
10 question. I think you meant Virginia Beach.

11 MS. LANG: What did I say, Virginia?

12 Q. Virginia Beach.

13 A. You know, I can't say we're not
14 transparent, so maybe -- I don't know if this is a
15 perception. I think that we are a pretty
16 transparent city.

17 Q. Were you -- you were on City Council in
18 2010; is that correct?

19 A. That's correct.

20 Q. In or around 2010 the Department of
21 Justice raised concerns about certain Police
22 Department procedures in Virginia Beach; is that

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1 right?

2 A. I think it was with regard to the testing.

3 Q. And Virginia Beach entered into a Consent
4 Decree with the Department of Justice, correct?

5 A. That's true.

6 Q. And did City Council have to approve that
7 Consent Decree?

8 A. I know we were briefed on it.

9 Q. Okay. And can you tell me what your
10 understanding was of the subject of that Consent
11 Decree?

12 A. That the test -- something about the test
13 didn't -- it was too hard on certain demographics.

14 Q. So the city agreed to no longer use that
15 test; is that correct?

16 A. Yes.

17 Q. Okay. And did you agree with that change?

18 A. Of course.

19 Q. Okay. Do you know what the current
20 demographics are of the Police Department?

21 A. No.

22 Q. Are you aware of continued complaints

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1 raised by the Ministers Conference as to inaction
2 on their 5 Point Plan?

3 A. No.

4 Q. Have you spoken to any members of the
5 Interdenominational Ministers Conference about
6 their 5 Point Plan since that meeting in 2016?

7 A. I believe Ron Taylor and I have talked
8 about it. I don't know if he's a member of that
9 group or not.

10 Q. Okay. And can you remind me who Ron
11 Taylor is?

12 A. He is a community leader. He heads up the
13 Hampton Roads Black Caucus.

14 Q. And what was the nature of that
15 conversation?

16 A. We want to be transparent. We want to
17 work with everyone. We want to be a friendly
18 city.

19 Q. Okay. And when was that conversation with
20 Ron Taylor?

21 A. I have no idea.

22 Q. Okay. But that was after the forum

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1 meeting?

2 A. Yes.

3 Q. Okay. Was he asking you for anything in
4 particular?

5 A. No. It was just a conversation about the
6 meeting.

7 Q. Did you have any follow-up conversations
8 with the Chief after the forum, the Chief of
9 Police?

10 A. Maybe. I don't remember.

11 Q. Okay. Did the City Council have any
12 meetings with the Chief after that forum?

13 A. Not that I remember.

14 Q. Okay. To your knowledge, are there any
15 current pending proposals related to policing in
16 Virginia Beach before the City Council that the
17 City Council is currently working on?

18 A. I don't know how to answer your question.

19 Q. Are there any current projects or
20 ordinances or resolutions that the City Council is
21 working on related to policing?

22 A. I don't know.

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1 Q. Okay. So not to your knowledge?

2 A. Not -- well, I just don't know. That's my
3 answer.

4 Q. Okay.

5 MS. LANG: I'm going to mark Exhibit 3.

6 (Exhibit 3 was marked and
7 attached to the transcript.)

8 Q. In this email exchange between Mr. Hansen
9 and James Allen, Mr. Allen is asking for, among
10 other things, to be put on the City Council agenda
11 with respect to the 5 Point Plan. And Mr. Hansen
12 says that the October 4th agenda is full, and says
13 that the issues will be discussed at the forum.

14 Do you know if the African American
15 leadership was ever put on the actual agenda for a
16 City Council meeting with respect to their 5 Point
17 Plan?

18 A. I think that would be in the records of
19 our city. So I really can't answer that, but I'm
20 sure it would be in the records if it was.

21 Q. Okay. Do you recall them ever being on
22 the full agenda?

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1 A. I don't, but, I mean, I know that a lot of
2 attention was given to them with the community
3 meetings that we had.

4 Q. Okay.

5 A. And the reason my name is on this is
6 because I asked for it, the community meeting.

7 Q. That was going to be my next question.

8 So Mr. Hansen sent this to you and Amelia
9 Ross-Hammond. I think you just answered that at
10 least in part. But do you know why Mr. Hansen
11 chose you and Ms. Ross-Hammond specifically to
12 share this with?

13 A. Because they gave me the plan and I said I
14 would do something about it, which I did. And we
15 were copied because -- since she was the African
16 American on the Council.

17 Q. Okay.

18 A. So it was her and I.

19 Q. Thank you.

20 MS. LANG: I'm going to mark Exhibit 4.

21 (Exhibit 4 was marked and
22 attached to the transcript.)

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1 Q. I'm only going to refer, for what it's
2 worth, to that first email on the first page.

3 MR. BOYNTON: Okay.

4 Q. Have you had a chance to review it?

5 A. Let me go back.

6 Q. Okay.

7 A. Okay.

8 Q. So in this email Pastor D. L. Williams --
9 let me start with, do you know Pastor D. L.
10 Williams?

11 A. I do.

12 Q. Pastor D. L. Williams writes that he
13 walked away from the October meeting, that we've
14 discussed, with the understanding that everyone
15 agreed moving forward with four items: body cams,
16 something related to the Academy, data collection,
17 and recruiting. Is that your recollection of the
18 meeting, as well?

19 A. It was a very good meeting. And I
20 think -- I think on the city side they were very
21 open to what they had to say and a sincere effort
22 to work together.

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1 Q. And do you know what efforts were taken on
2 items 2, 3, and 4 on Pastor D. L. Williams' list?

3 A. I know that we're always trying to
4 recruit, and we really love having minorities.
5 And, for example, I went to the First National
6 Night Out in August with the Hispanic community,
7 and they had police officers there that spoke
8 Spanish. So we're -- we really -- all minorities
9 are a big part of our community, so we're always
10 trying to work and to recruit. It's a very good
11 thing to have.

12 I don't know where we are on the data
13 collections.

14 On the Academy, we are always trying to
15 encourage and include on the Academies.

16 Q. And thank you for that input.

17 But on specific -- on 2, 3, and 4, you
18 don't know of any specific action items that the
19 City Council or that the Virginia Beach Police
20 Department has taken --

21 A. Well, the Council, we are policymakers, so
22 it's the police that would have to take the

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1 actions.

2 Q. Okay. And you're not aware of specific
3 action items?

4 A. I don't know what their actions are.

5 Q. Okay. And on page DEF07325 there is a
6 reference to a follow-up meeting in November about
7 body-worn cameras. Were you in attendance at that
8 follow-up meeting?

9 A. I don't know.

10 Q. Okay. And it's referred to in that email
11 as the 21st Century Policing Meeting Number 2. Do
12 you know if there's been any further meetings
13 after that?

14 A. I don't know.

15 Q. Have you attended any further meetings
16 about policing after that?

17 A. What kind of meetings?

18 Q. 21st -- meetings that would be within this
19 21st Century Policing.

20 A. Are you referring to meetings with city
21 officials?

22 Q. Uh-huh. Yes.

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1 A. Because there is all kinds of meetings.

2 Q. I'm talking about meetings with the
3 African American leadership working group.

4 A. And city officials?

5 Q. Yes.

6 A. I don't know.

7 Q. Okay.

8 MS. LANG: I'll mark Exhibit 5.

9 (Exhibit 5 was marked and
10 attached to the transcript.)

11 Q. And I'll be referencing the first email
12 and, then, the last email. So I'm happy to just
13 discuss the first email first.

14 A. On the front page?

15 Q. On the front page, yes.

16 So in this email Mr. Hansen references
17 that he added agenda items to the body-worn camera
18 meeting. One was a recruitment item, and the
19 other was a Scorecard for the 5 Point Plan.

20 Are you familiar with the Ministers
21 Conference Scorecard for the 5 Point Plan that
22 they've issued?

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1 A. Would you --

2 Q. The Scorecard for the 5 Point Plan that
3 the Ministers Conference has issued?

4 A. No.

5 Q. And on the last page there is email
6 correspondence about data collection with respect
7 to the 5 Point Plan.

8 A. Who is AAL? It's in the second line. Who
9 is AAL?

10 Q. I don't know.

11 MR. BOYNTON: It's from Mr. Chandler to
12 Mr. Hansen? That's the email you're referring to?

13 Q. African American Leadership Group, I
14 think.

15 So from the email it appears that the
16 African American Leadership Group put forth a
17 heavy advocacy for a Citizens Review Board. Are
18 you familiar with whether or not any action has
19 been taken on creating a Citizens Review Board for
20 the Virginia Beach Police Department?

21 A. From reading this?

22 Q. Yes.

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1 A. We have the IRP, which it looks like it
2 was felt that that provides what they wanted, and
3 it was already in existence.

4 Q. What is the IRP?

5 A. The Investigative Review Panel.

6 Q. So your understanding is that Virginia
7 Beach has not moved forward with the African
8 American leadership's proposal for a Citizens
9 Review Board?

10 A. There is already something in place that
11 was doing what they were requesting.

12 Q. Okay. Mr. Hansen in the December 18, 2016
13 email says, We will continue to generate policies
14 as a result of these discussions as well as other
15 public input.

16 Are you familiar with any additional
17 policies that have been generated as a result of
18 the discussions about the 5 Point Plan?

19 A. I am not, but they could be internal
20 policies.

21 Q. Okay.

22 MS. LANG: Mark Exhibit 6.

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1 (Exhibit 6 was marked and
2 attached to the transcript.)

3 A. How much longer?

4 MR. BOYNTON: Hopefully --

5 Q. I'm moving as fast as I can.

6 A. You have a train to catch.

7 MR. BOYNTON: We're all working toward the
8 same goal.

9 Q. And I'd like to look, actually, at
10 DEF7178. It appears here, towards the bottom of
11 the page, Mayor Dyer had sent along a draft of a
12 resolution regarding a proposed disparity study to
13 Ira Agricola on February 12, 2017. Do you see
14 that?

15 A. Yes.

16 Q. Who is Ira Agricola?

17 A. He works for the Chamber of Commerce.
18 Government Affairs, I believe.

19 Q. Okay. And he asks Ira what he thinks of
20 the proposed resolution; is that right?

21 A. Where does he ask?

22 Q. It's on DEF07178, about a quarter of the

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1 way down the page. He says, What did you think?

2 A. Okay.

3 Q. Is it typical for the Mayor to seek the
4 input of the Chamber of Commerce on proposed
5 resolutions?

6 A. I can't speak for the Mayor.

7 Q. Okay. Do you ever ask the Chamber of
8 Commerce for input on proposed resolutions?

9 A. I can't recall.

10 Q. Okay. And Mayor Dyer sent along --
11 forwarded the feedback from Ira to yourself,
12 Shannon Kane, Jim Wood, then Mayor Sessoms, Louis
13 Jones, and three emails I don't immediately
14 recognize. Do you know what tuckbow@terrypeterson
15 would be, who that would be?

16 A. That's Tuck Bowie.

17 Q. And who is that?

18 A. He's a close friend of Bobby Dyer's. He's
19 on the Process Improvement Committee. He works
20 for Terry Peterson.

21 Q. And who is willbstar?

22 A. That's Brian Kerwin.

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1 Q. Brian Kerwin.

2 Okay. And who is paul@ntrustwm?

3 A. I don't know.

4 Q. Okay. Do you know why Mayor Dyer might
5 include just this group of City Council members in
6 this email?

7 A. I can't speak for him.

8 Q. Okay. And would you consider -- okay.
9 I'll leave it there.

10 I'd like you to look at DEF07179. It has
11 the text of the proposed resolution at this point,
12 on February 12, 2017. And towards the end it has
13 a list of -- it says, Now, therefore, be it
14 resolved by the City Council of the City of
15 Virginia Beach, Virginia: And, then, a list of
16 items. And the first one is, That any disparity
17 study procured by the city should focus not only
18 on traditional analysis of racial and gender
19 groups but also perceptions of favoritism or
20 cronyism that may be shared by business owners
21 regardless of their race or gender.

22 Do you know if that language was included

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1 in the final resolution that was passed by the
2 City Council?

3 A. I can't answer that question. I don't
4 know.

5 Q. Okay. And number 3 is, That it is the
6 intention of the City Council that the results of
7 the disparity study not be employed as a basis for
8 racial set-asides or preferences.

9 Do you know if that was included in the
10 final resolution?

11 A. I can't tell you what's in the final
12 resolution without seeing it.

13 Q. Okay. Do you recall if it was important
14 to you to include language that indicated that it
15 would not be used for racial set-asides or
16 preferences?

17 A. That's not been a policy of us to have
18 set-asides.

19 Q. Okay. And it would have been important to
20 you to keep that policy in place?

21 A. That's true.

22 Q. Okay. Would it have been important to you

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1 to include language in the resolution that says
2 the study should not focus solely on racial and
3 gender views but on cronyism and favoritism?

4 A. We want to be transparent, yes.

5 Q. Okay.

6 A. And to have an outside group look and give
7 us an opinion.

8 Q. Are there City Council members that you
9 tend to work most closely with?

10 A. Yes.

11 Q. Who are they?

12 A. Bobby Dyer, Jim Wood, Louis Jones.

13 Q. Anyone else?

14 A. Current or past?

15 Q. Current.

16 A. Michael Berlucchi.

17 Q. What about in the past? Are there other
18 members that you worked very closely with in the
19 past?

20 A. I worked with Amelia, and also Sabrina.

21 Q. What have you worked on with Sabrina since
22 she became a City Council member?

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1 A. I can't tell you anything specifically.

2 Q. Okay. We spoke yesterday a little bit
3 about the vacancies that were filled by
4 appointment this year. There were two; is that
5 correct?

6 A. Yes.

7 Q. When the City Council was considering
8 filling the Beach district position, there were a
9 number of candidates; is that correct?

10 A. Yes.

11 Q. And you interviewed four candidates; is
12 that correct?

13 A. Yes.

14 Q. Why did you vote for Mr. Tower for the
15 appointment?

16 A. He seemed very qualified and had a lot of
17 supporters.

18 Q. Okay. If you support Mr. Tower, why did
19 you decide to run against him in the Beach
20 district?

21 A. Actually, he decided to run against me. I
22 filed first.

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1 Q. Okay. Did you talk to Mr. Tower about
2 whether or not he was planning to run before you
3 filed?

4 A. Well, he put it in his application.
5 Jessica Abbott had put the question on the
6 application.

7 Q. Okay. And what did he put in his
8 application?

9 A. He was not going to run.

10 Q. Okay. There was a question on the
11 application about whether or not there was a
12 preference for at-large or district election
13 systems; is that correct?

14 A. I think there was.

15 Q. Okay. Do you remember what Louisa
16 Strayhorn's response to that was?

17 A. No. I really don't.

18 Q. Okay. Ms. Strayhorn is African American;
19 is that right?

20 A. Uh-huh.

21 Q. She didn't get an up or down vote because
22 there was only one vote, and that was for

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1 Mr. Tower; is that right?

2 A. Yes.

3 Q. Okay. Were there any specific reasons why
4 you preferred Mr. Tower over Ms. Strayhorn?

5 A. Actually, I had very mixed feelings. I
6 liked Louisa a lot. It was a very tough decision
7 for me.

8 Q. Okay.

9 A. I've known Louisa for years and think a
10 lot of her.

11 Q. And why did you ultimately decide to
12 support Mr. Tower?

13 A. It was a tough decision.

14 Q. You can't identify any reasons why you
15 ultimately made the decision you did?

16 A. It was a very difficult decision. In
17 fact, I called Louisa afterwards and told her what
18 a good job she did in her presentation.

19 Q. Was it perhaps because other City Council
20 members were supporting Mr. Tower and it was a
21 matter of compromise?

22 A. No. It was -- it was actually mixed --

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1 Q. Okay.

2 A. -- amongst the Council members.

3 Q. But ultimately the City Council voted
4 unanimously in support of Mr. Tower?

5 A. In open session we did.

6 Q. Okay.

7 A. And there was a reason for that. We want
8 to make sure that whoever we're appointing, that
9 they have the support of the Council.

10 Q. Okay. So --

11 A. In closed session it was not unanimous.

12 Q. Okay.

13 MR. BOYNTON: Well, in terms of internal
14 discussions, I would ask you not to reveal the
15 substance of internal discussions. But the
16 overall result and that kind of thing, and what
17 certainly the candidates were telling you, is fair
18 game. The legislative privilege here would be
19 narrow. But to the extent there were specific
20 comments being made amongst Council members in a
21 closed session, I'll ask you not to testify to
22 that. But I don't think we've gotten there yet.

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1 Q. Ms. Wilson, that's your choice, to be
2 clear.

3 And later on the City Council filled an
4 empty seat in the Rose Hall district; is that
5 right?

6 A. That's correct.

7 Q. And ultimately chose Michael Berlucchi for
8 that seat; is that corrects?

9 A. That's correct.

10 Q. And Seko Varner was also an applicant for
11 that position; is that right?

12 A. Yes.

13 Q. And do you remember what Mr. Berlucchi or
14 Mr. Varner said in response to the question about
15 districting versus at-large elections?

16 A. No, I do not.

17 Q. Mr. Varner is African American?

18 A. Yes.

19 Q. And ultimately there was a 9-1 vote for
20 Mr. Berlucchi; is that right?

21 A. Yes.

22 Q. Why did you favor Mr. Berlucchi for this

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1 position?

2 A. I thought he was the most qualified.

3 Q. Okay. How so?

4 A. He was very knowledgeable. He seemed to
5 have a grasp of the issues. We were on the verge
6 of voting for our budget, which is the major thing
7 we do for the year. And he had been attending
8 meetings to prepare for that, and he was the most
9 qualified and prepared.

10 Q. Okay. And Mr. Varner seemed less
11 prepared?

12 A. Yes.

13 Q. Okay. And who voted for Mr. Varner in
14 open session?

15 A. Mr. Moss.

16 Q. Okay. Was it more mixed internally but
17 the City Council mostly tried to provide a united
18 front publicly?

19 A. It was mixed in closed session, yes. But,
20 again, it's important to show the person that's
21 being appointed that he's supported and to have
22 goodwill.

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1 Q. And Mr. Moss, did he indicate why he felt
2 so strongly that Mr. Varner should get the
3 position?

4 A. I don't remember his comments. I really
5 don't. And, of course, Mr. Berlucchi is part of
6 the Pride community.

7 Q. Did you have a reason to believe that was
8 relevant?

9 MR. BOYNTON: I would just, again, not get
10 into specific -- to the extent you're asserting
11 legislative privilege, not get into the specifics
12 of conversations that were private conversations
13 with other Council members. To the extent that
14 they made public statements or you were able to
15 glean their views from other perspectives, you can
16 testify to that.

17 Q. Did you have a sense that Mr. Berlucchi's
18 membership as part of the Pride community may be
19 related to Mr. Moss' vote?

20 A. I'm not sure.

21 Q. Okay. You can't say for sure that that
22 was not a reason?

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1 A. I'm not in Mr. Moss' head.

2 Q. Okay. Do you agree that Virginia Beach
3 has a history of racial discrimination?

4 A. No.

5 Q. You don't?

6 A. No.

7 Q. Did Virginia Beach used to have segregated
8 schools?

9 A. I guess when you say history, I didn't
10 know how far you went back.

11 Q. Well --

12 A. So could you be more specific in your
13 questions?

14 Q. In the past 75 years has Virginia Beach
15 had a history of racial discrimination?

16 A. Yes.

17 Q. Okay. Do you know when Virginia Beach's
18 schools desegregated?

19 A. No. I know when I was in high school we
20 had African Americans at my school. And I
21 graduated in 1968.

22 Q. And what about when you were in elementary

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1 school?

2 A. I don't recall anyone when I was in
3 elementary school.

4 Q. Middle school?

5 A. Yes.

6 Q. Okay.

7 A. I think so.

8 Q. Do you remember that during the time
9 period that you were in school that Virginia Beach
10 schools actually closed down over desegregation?

11 A. I don't remember that. Norfolk did, but I
12 don't know that Virginia Beach did.

13 Q. I'll represent to you that they did.

14 A. Well, Virginia Beach didn't become a city
15 until 1963. Did they close after 1963?

16 Q. I believe so.

17 A. Can you tell me when? I was there in
18 1963.

19 MR. BOYNTON: If you don't know from
20 personal knowledge, it doesn't matter.

21 Q. It doesn't matter.

22 A. I was here since 1963. It did not close.

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1 Q. In your recollection of your years in
2 schools, you don't remember anything -- any issues
3 around desegregation in the Virginia Beach City
4 Schools?

5 A. Virginia Beach became a city in 1963. I
6 lived here. There was never a closing of the
7 schools. So I don't remember any.

8 Q. You don't remember any tensions or
9 lawsuits or other issues in the community around
10 desegregation while you were in school?

11 A. No.

12 Q. Do you remember if the swimming pools or
13 local parks when you were growing up were
14 segregated?

15 A. Not that I recall.

16 Q. Okay. Do you remember seeing African
17 Americans in your local parks or swimming pools
18 when you were growing up?

19 A. I grew up in a very lower middle class
20 neighborhood myself, enlisted Navy kid. I really
21 didn't go to the pools, but there was a pool
22 available for my community, so I don't really

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1 recall any of that.

2 Q. Okay.

3 A. I really didn't visit the parks, so I
4 don't have that experience.

5 Q. Okay. So in your time growing up in
6 Virginia Beach do you have any recollection of
7 issues around desegregation both in public spaces
8 or in the schools?

9 A. No.

10 Q. And when you were growing up you didn't
11 notice any issues of racial discrimination in
12 Virginia Beach?

13 A. No.

14 Q. You mentioned earlier that you know that
15 African Americans have lower rates of knowing how
16 to swim; is that correct?

17 A. That's correct.

18 Q. Are you aware of the history related to
19 segregation of public swimming pools and the
20 closing down of public swimming pools when they
21 were forced to be desegregated that has led to
22 that disparity?

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1 MR. BOYNTON: Object to the form of the
2 question.

3 You can answer.

4 A. I don't know that we had public pools in
5 our city.

6 Q. Okay. But nationally?

7 A. I can't speak nationally.

8 Q. Okay. So you're not aware of any link
9 between the African American community's lower
10 rates of swimming and issues of desegregation?

11 A. My impression was because people tend to
12 do what their parents did. A lot of children's
13 parents didn't swim, and so they didn't teach
14 swimming either.

15 Q. Right.

16 But you're not aware of why it might be
17 that African American parents don't swim?

18 A. No. I took action to help alleviate a
19 situation of -- to prevent drowning.

20 Q. Does Virginia Beach have any public pools
21 now?

22 A. Yes.

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1 Q. And where are they?

2 A. In our rec centers.

3 Q. And how many? Do you know?

4 A. We have Williams Farm. We have Great
5 Neck. We have Princess Anne. We have Seatack.
6 At least five.

7 MS. LANG: Okay. I don't have any further
8 questions.

9 MR. BOYNTON: So you have the right to
10 read and sign this deposition when it is
11 transcribed just to make sure it was transcribed
12 accurately. There is a little errata sheet you'll
13 get. You can go in and say him meant her,
14 something like that, for example. We'll have you
15 read.

16 THE DEPONENT: Okay.

17

18 (Signature having not been waived, the
19 deposition of ROSEMARY A. WILSON was concluded at
20 8:35 a.m.)

21

22

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1 ACKNOWLEDGMENT OF DEPONENT

2 I, ROSEMARY A. WILSON, do hereby
3 acknowledge that I have read and examined the
4 foregoing testimony, and the same is a true,
5 correct, and complete transcription of the
6 testimony given by me and any corrections appear
7 on the attached Errata Sheet signed by me.

8
9
10 _____
11 (DATE)

(SIGNATURE)

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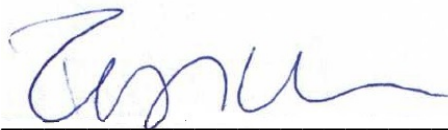
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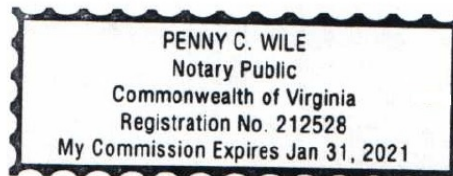
1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, Penny C. Wile, RPR, RMR, CRR, the
3 officer before whom the foregoing deposition was
4 taken, do hereby certify that the foregoing
5 transcript is a true and correct record of the
6 testimony given; that said testimony was taken by
7 me stenographically and thereafter reduced to
8 typewriting under my direction; that reading and
9 signing was requested; and that I am neither
10 counsel for, related to, nor employed by any of
11 the parties to this case and have no interest,
12 financial or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my
14 hand and affixed my notarial seal this 14th day of
15 October, 2019.

16 My commission expires: January 31, 2021.

17
18
19 
20



21 NOTARY PUBLIC IN AND FOR
22 THE COMMONWEALTH OF VIRGINIA

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